

HOUSE BILL No. 1560

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-114; IC 13-18-12.

Synopsis: Regulates land application of wastewater. Requires an annual permit from the department of environmental management (IDEM) for land application of wastewater on specific sites, regardless of whether the wastewater is treated. Requires a public hearing, notice to adjoining landowners, and inspection of the land before issuance of a permit. Prohibits the land application of wastewater within 1,000 feet of waters and property boundaries. Requires IDEM to investigate within 30 days a complaint concerning a land application permittee. Provides that land application includes application on the soil surface.

Effective: July 1, 2009.

Blanton

January 16, 2009, read first time and referred to Committee on Environmental Affairs.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1560

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-114 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 114. "Land
3 application", for purposes of IC 13-18-12, means the disposal of
4 wastewater by **any or a combination of the following**:

5 (1) Burial ~~or incorporation~~ into the soil.

6 (2) **Incorporation into the soil.**

7 (3) **Application on the soil surface.**

8 SECTION 2. IC 13-18-12-2, AS AMENDED BY P.L.114-2008,
9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2009]: Sec. 2. (a) A person may not transport, treat, store, or
11 dispose of wastewater in violation of this chapter.

12 (b) A person may not engage in:

13 (1) the cleaning of sewage disposal systems; or

14 (2) the transportation, treatment, storage, or disposal of
15 wastewater;

16 without a wastewater management permit unless the person is
17 exempted under section 7 of this chapter.

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(c) A person may not operate a vehicle for the transportation of wastewater without a wastewater management vehicle identification number issued under this chapter unless the person is exempted under section 4(a)(2) of this chapter.

(d) A person may not dispose of wastewater, **regardless of whether the wastewater is treated**, by land application without:

(1) first obtaining approval of the land application site under this chapter; **and**

(2) complying with section 2.5 of this chapter.

(e) The department may issue a wastewater management permit that incorporates issuance of a wastewater management vehicle identification number and approval of a land application site.

(f) The department may issue new and renewal permits, identification numbers, and approvals under this chapter for a period the department determines appropriate. However, **except as provided in section 2.5(b) of this chapter**, the period may not exceed three (3) years.

(g) The department may not issue a wastewater management permit to approve the land application of wastewater, regardless of whether the wastewater is treated, unless the permit indicates the specific site or sites on which the land application is permitted.

SECTION 3. IC 13-18-12-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2.5. (a) This section applies to:**

(1) a wastewater management permit; or

(2) a renewal of a wastewater management permit;

under this chapter for approval of a wastewater land application site for which the application is submitted to the department after June 30, 2009.

(b) The department may issue or renew a wastewater management permit only if:

(1) the period of issuance or renewal does not exceed one (1) year;

(2) the issued or renewed permit prohibits the land application of wastewater within one thousand (1,000) feet of:

(A) any waters; and

(B) any boundary that:

(i) is a boundary of a parcel of land on which the permit applicant proposes the land application of wastewater; and

(ii) is not a boundary with another parcel of land owned by the permit applicant; and

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(3) the requirements of subsections (c) and (d) are met.

(c) Before the department issues or renews a wastewater management permit, the department must:

(1) give public notice of a hearing to be held in each county in which the permit applicant proposes the land application of wastewater;

(2) hold the hearing or hearings referred to in subdivision (1);

(3) provide the opportunity for any member of the public who desires to be heard to comment at the public hearing or hearings referred to in subdivision (1) on the proposal for the land application of wastewater;

(4) inspect each parcel of land on which the permit applicant proposes the land application of wastewater; and

(5) find that the department reasonably expects that the land application of wastewater will be conducted in compliance with the permit and applicable law.

(d) The wastewater management permit applicant must do the following:

(1) At least one (1) week before a hearing required by subsection (c), at the permit applicant's expense, give individual written notice to the owner of each parcel of land that adjoins a parcel on which the permit applicant proposes the land application of wastewater.

(2) Before the hearing required by subsection (c), provide proof of compliance with subdivision (1) to the department.

(e) The department shall investigate not later than thirty (30) days after receipt each complaint by a member of the public alleging the failure of a permittee to comply with:

(1) the wastewater management permit; or

(2) applicable law.

SECTION 4. IC 13-18-12-4, AS AMENDED BY P.L.114-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The board shall, in accordance with IC 13-14-8, adopt rules to establish the following:

(1) Standards for the following:

(A) The issuance of wastewater management permits under section 3 of this chapter.

(B) Cleaning of sewage disposal systems.

(C) Transportation, storage, and treatment of wastewater, and disposal of wastewater, including land application.

(2) Issuance of identification numbers for all vehicles used in wastewater management services. However, the board may

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exempt by rule vehicles licensed on September 1, 1983, under the industrial waste haulers rule 320 IAC 5-10 as the rule existed on September 1, 1983.

(3) Procedures and standards for:

- (A) approval of sites for land application of wastewater; **and**
- (B) **compliance with section 2.5 of this chapter.**

(b) The board may designate a county or city health agency as the board's agent to approve land application sites in accordance with rules adopted under this section.

SECTION 5. IC 13-18-12-7, AS AMENDED BY P.L.114-2008, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. **(a) Except as provided in subsection (b),** this chapter does not require a person to obtain a permit or vehicle identification number under this chapter if the person is:

(1) engaged in:

- (A) servicing or maintaining publicly owned wastewater treatment facilities; or
- (B) transportation of wastewater from a publicly owned wastewater treatment facility;

as long as the wastewater at that facility has been fully treated and is stabilized;

(2) transporting wastewater from the point of its removal to another location on the same site or tract owned by the same person, although disposal of the wastewater must be done in accordance with this chapter; or

(3) a homeowner who cleans and services the sewage disposal system serving only the homeowner's residence, although transportation and disposal of wastewater must be done in compliance with this chapter.

(b) Subsection (a) does not exempt a person from the wastewater management permit requirement of section 2.5 of this chapter.

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